

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WILMINGTON SAVINGS FUND  
SOCIETY, FSB, D/B/A CHRISTIANA  
TRUST, NOT INDIVIDUALLY BUT AS  
TRUSTEE FOR PRETIUM MORTGAGE  
ACQUISTION TRUST,

Plaintiff,

-against-

LILLIAN COSTA,

Defendant.

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**ORDER ADOPTING EPORT  
AND RECOMMENDATION**  
18-CV-2036 (DRH)(AYS)

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated November 8, 2018, recommending (1) that the Court grant Plaintiff's motion for default judgment and that Plaintiff be awarded damages as follows: (a) \$231,790.56 in unpaid principal under the Note; (b) \$34,801.55 in interest accrued through the date of the Report and Recommendation, with additional per diem interest to be calculated at a rate of \$30.16 per day through the date that judgment is entered, (c) post-judgment interest, to be calculated by the Clerk of the Court, pursuant to 28 U.S.C. § 1961(a), and (d) \$2,525.00 in attorney's fees and \$620.00 in costs and disbursements; (2) that an Order similar to Plaintiff's proposed Judgment of Foreclosure and Sale, but consistent with the Report and Recommendation, be entered and that a referee be appointed to effectuate the sale of the Property; and (3) that Plaintiff's application to reform the legal description of the Mortgage as recorded on December 8, 2010 in Liber 22018, page 135 in the Office of the Suffolk County Clerk, be granted.

More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the November 8, 2018 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED THAT** Plaintiff's motion for default judgment is granted and Plaintiff is awarded damages as follows: (a) \$231,790.56 in unpaid principal under the Note; (b) \$34,801.55 in interest accrued through the date of the Report and Recommendation, with additional per diem interest to be calculated at a rate of \$30.16 per day through the date that judgment is entered, (c) post-judgment interest, to be calculated by the Clerk of the Court, pursuant to 28 U.S.C. § 1961(a), and (d) \$2,525.00 in attorney's fees and \$620.00 in costs and disbursements; and

**IT IS FURTHER ORDERED THAT** Plaintiff's application to reform the legal description of the Mortgage as recorded on December 8, 2010 in Liber 22018, page 135 in the Office of the Suffolk County Clerk, is granted and that the legal description is hereby amended to read as follows:

ALL that certain parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, being known and designated as follows, as shown on a certain map entitled, "Map of Plot #2 of Deer Park, property of Deer Park Investment Company," filed in the Office of the Clerk of the County of Suffolk on December 12, 1892, as Map No. 118, known and Designated as Lots 67, 68, part of Lots 1 to 4, Block 205; said lots being bounded and described as follows:

BEGINNING at a point on the easterly side of West 24th Street distant 75 feet southerly from the corner formed by the intersection of the easterly side of West 24th Street with the southerly side of Oakland Avenue;

RUNNING THENCE North 73 degrees 18 minutes 30 seconds East 100 feet;

THENCE South 16 degrees 41 minutes 30 seconds East 75 feet;

THENCE South 73 degrees 18 minutes 30 seconds West 100 feet  
to the easterly side of West 24th Street;

THENCE along the easterly side of West 24th Street, North 16  
degrees 41 minutes 30 seconds West 75 feet to the point or place of  
beginning.

And

**IT IS FURTHER ORDERED** that on or before December 31, 2018, Plaintiff shall  
submit a revised proposed Judgment of Foreclosure and Sale consistent herewith under cover of  
letter. To the extent Plaintiff wishes to propose one or more individuals for the Court to consider  
to serve as referee to conduct the sale, the letter shall include the names and qualifications of said  
individuals.

**SO ORDERED.**

Dated: Central Islip, New York  
November 28, 2018

s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge